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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,619	01/31/2002	Kevin Goodman	17403-0003	2439

20786 7590 02/15/2005

KING & SPALDING LLP  
191 PEACHTREE STREET, N.E.  
ATLANTA, GA 30303-1763

EXAMINER
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MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/062,619	<b>Applicant(s)</b> GOODMAN, KEVIN	
	<b>Examiner</b> Nasser G Moazzami	<b>Art Unit</b> 2187	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,14,18,20-22 and 27 is/are rejected.
- 7) ☒ Claim(s) 3,8-13,15-17,19,23-26,28 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/02/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. Information Disclosure Statement submitted on 05/02/2002 has been considered by examiner. See attached PTO-1449.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-7, 14, 18, 20-22 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Fetkovich (US Patent No. 6681329).

As per claim 1, Fetkovich teaches a method for dynamically setting an optimal base address for a component of a process comprising: detecting that a process has been loaded from a persistent storage into a memory of a computer system, wherein said process is comprised of one or more components **[loading the application program and its component modules (column 1, lines 48-49); loading the**

Art Unit: 2187

**executable code into memory 114 from storage device 118 (column 4, lines 33-34)];** for each of said components, determining whether an in-memory base address is equivalent to a preferred base address of an on-disk representation of the component; and in response to determining that for a selected component the in-memory base address is not equivalent to the preferred base address, updating the on-disk representation of the selected component to reflect the in-memory base address **[determining whether the load address and the default load address are unequal (column 5, lines 41-43); fixing up the addresses in the program as it relocates to a new address (column 6, lines 15-18)].**

As per claim 2, Fetkovich teaches a computer readable medium having stored thereon computer executable instruction for performing the method of claim 1 **[computer program product having computer usable medium with computer readable program code (column 2, lines 30-32)].**

As per claim 4, Fetkovich teaches saving an audit report for recording transaction data associated with the step of updating the on-disk representation of the selected component to reflect the in-memory base address **[list of addresses].**

As per claim 5, Fetkovich teaches creating a list of all of the components in the process **[component modules];** and for each component in the list, comparing the

Art Unit: 2187

component's in-memory base address to the preferred base address of the on-disk representation of the component **[see the citation in previous claim]**.

As per claim 6, Fetkovich teaches determining that a conflicting component caused the selected component to be relocated to the in-memory base address **[it is inherent that if the component has to be relocated, it is because of conflict with the other component]**.

As per claim 7, Fetkovich teaches a computer readable medium having stored thereon computer executable instruction for performing the method of claim 6 **[computer program product having computer usable medium with computer readable program code (column 2, lines 30-32)]**.

As per claim 14, Fetkovich teaches changing the preferred base address of the on-disk representation of the selected component to the in-memory base address; and binding the on-disk representation of the selected component to the in-memory base address **[fixing up code and pointers for the relocated addresses (column 1, lines 55-58)]**.

As per claims 18, 20-22 and 27, claims 18, 20-22 and 27 encompass the same scope of the invention as those of claims 1-2, 4-7 and 14 in addition of a system for

Art Unit: 2187

performing the steps of the method claims. Therefore, claims 18, 20-22 and 27 are rejected for the same reasons as stated above with respect to claims 1-2, 4-7 and 14.

***Allowable Subject Matter***

4. Claims 3, 8-13, 15-17, 19, 23-26 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

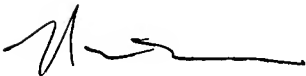
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser G Moazzami whose telephone number is (571) 272-4195. The examiner can normally be reached on 7:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2187

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**NASSER MOAZZAMI**  
**PRIMARY EXAMINER**



02/11/2005